

PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2003

Application or Docket Number

10779873
A-9859A

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	76	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	76 minus 20 =	56
INDEPENDENT CLAIMS	2 minus 3 =	0
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	76	Minus	56
Independent	2	Minus	0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY TYPE ☐ OR

OTHER THAN SMALL ENTITY

RATE	FEE
BASIC FEE	385.00
XS 9=	504
X43=	
+145=	
TOTAL	889

RATE	FEE
BASIC FEE	770.00
XS18=	
X86=	
-290=	
TOTAL	

SMALL ENTITY TYPE ☐ OR

OTHER THAN SMALL ENTITY

RATE	ADDI-TIONAL FEE
XS 9=	504
X43=	
+145=	
TOTAL	889

RATE	ADDI-TIONAL FEE
XS18=	
X86=	
+290=	
TOTAL	

3606

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	55	Minus	76 = 9
Independent	2	Minus	3 = 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDI-TIONAL FEE
XS 9=	
X43=	
+145=	
TOTAL	

RATE	ADDI-TIONAL FEE
XS18=	
X86=	
+290=	
TOTAL	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total		Minus	
Independent		Minus	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDI-TIONAL FEE
XS 9=	
X43=	
+145=	
TOTAL	

RATE	ADDI-TIONAL FEE
XS18=	
X86=	
+290=	
TOTAL	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."

* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

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A-9859A
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Casey K. Lee

Appln. No.: 10/779,873

Group Art Unit: 3732

Filed: February 18, 2004

Examiner: A. Reimers

For: INTERVERTEBRAL DISC AND NUCLEUS PROSTHESIS

* * *

AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed October 05,
2005, please amend the above-identified application as
follows.

Amendments to the claims begin on page 2 of this paper.

Remarks/Arguments begin on page 15 of this paper.

Claims 36-37, 40, 45, 47-49, and 53-56 under
35 U.S.C. § 103(a) is respectfully requested.

New Claim 77 and Claims 78-87 dependent therefrom are also characterized by an annulus having a cavity extending axially therethrough. These claims are therefore also distinguished from the Huang reference and are patentable over the Huang reference.

The basis for rejection of Claim 50 under 35 U.S.C. 112, second paragraph, is believed to have been removed by the above amendment. Accordingly, it is respectfully requested that this rejection be withdrawn.

In view of the above amendments and discussion, this application is believed to be in condition for allowance, and an early Notice of Allowance is respectfully requested.

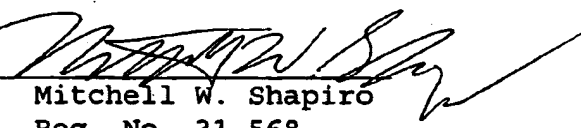
Furthermore, in view of the allowability of Claim 33, an allowable claim generic to the non-elected species is present in the application. Accordingly, rejoinder of withdrawn Claims 41 and 59-76 is appropriate, and such rejoinder and allowance of those claims is respectfully requested.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time

is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

Respectfully requested,

By:


Mitchell W. Shapiro
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March 06, 2006